IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.14678 of 2007

Dated: September 20, 2007

Between:

Bhavani Power Lines and Constructions, represented by its Managing Partner B. Surendra Babu, R/o. D.No.1-62, Gundimeda P.O., Tadepalli Mandal, Guntur District.

… Petitioner

And

Southern Power Distribution Co. of A.P. Ltd.,
And others.

… Respondents

Order:

Petitioner, which is one of the tenderers and which was awarded contract to maintain 33/11 KV sub-stations in Mangalagiri, Nallacheruvu, Nallapadu, Nutakki and Chinanakakani sections in Guntur District, has filed this writ petition seeking Mandamus to declare the action of the respondents in seeking to allot operators to work at the aforesaid
sub-stations as illegal and arbitrary.

In view of acceptance of the bid of the petitioner, an agreement was entered into for such maintenance from 01-04-2007 to 29-02-2008, 05-04-2007 to 29-02-2008, 05-04-2007 to 29-02-2008 and 01-04-2007 to 29-02-2008 in the aforesaid sub-stations respectively.

It is the grievance of the petitioner that respondents are taking steps for allotting some operators to work in the sub-stations which are being maintained by the petitioner in view of the existing contract and the same is in violation of the terms and conditions of the Articles of Agreement.

No orders are passed by the respondents posting such personnel as operators in the sub-stations being maintained by the petitioner. But, however, it is stated that without passing any orders, such postings are being made.

Learned Standing Counsel appearing on behalf of the respondents, on instructions, submits that on mere apprehension, the petitioner has approached this court and no action has been taken for posting any Junior Lineman in the sub-stations being manned by the petitioner. It is further stated that as per the terms and conditions of the contract between the petitioner and the respondents, the petitioner has to engage the personnel.

As much as it is stated that no orders have been passed for allotting any operators in the sub-stations maintained by the petitioner and no action has been initiated by the respondents for that purpose and on mere apprehension the petitioner approached this court, I dispose of the writ petition recording the aforesaid submission of the learned Standing Counsel appearing for the respondents. But, however, the petitioner shall operate by engaging the operators as per the terms and conditions of the contract. It is made clear that if there is any violation of the agreed terms, it is open for the respondents to take

steps as per the terms of the agreement. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

September 20, 2007
MRR